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SIPDIS

DEPARTMENT FOR EUR/SE, EUR/ERA, IO/UNP

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SUBJECT: HOW VIRGIN MUST THE BIRTH OF A NEW, POST-SOLUTION
CYPRUS BE?

REF: REF: MCMURRAN-PANICO E-MAIL 3/3/08

Classified By: Ambassador Ronald Schlicher for reasons 1.4 (b) and (d)

11. (C) Summary: Just two weeks into long-delayed preparatory discussions at the working group/technical committee level, Turkish and Greek Cypriots already are hotly debating (albeit indirectly) one of the prickliest components of a final settlement: the origin and sovereignty of a reunified Cypriot state. Neither side appears ready to give in, both are blasting the other's intransigent stance, and the brouhaha, along with cross-Green Line bickering over similarly testy "core" issues, threatens the improved negotiating climate that arrived with Tassos Papadopoulos's February exit from power. In a nutshell, G/Cs continue to demand the new entity be a continuation of the Republic of Cyprus (RoC), transformed into a bi-zonal, bi-communal federation with a strong central government and political equality "as defined in UN resolutions" (read, no quotas on T/C representation in government). Turkish Cypriots reject the G/C position, preferring instead that the new Cypriot state at the very least arise from a so-called "virgin birth: "the instantaneous coming into being of the new state that was stipulated in the 2004 Annan Plan. Complicating the debate, both sides have conflated the "virgin birth" terminology with something altogether different and self-serving in ways that deepen each side's existing distrust of each other. Fear of failure motivates the positions of both communities. Should the post-solution state collapse, G/Cs want to return to the safety of the internationally-recognized RoC while ensuring the "TRNC" remains a pseudostate. Turkish Cypriots, still stinging from the 1964 UN resolution that conferred legitimacy on the G/C-run (and T/C-less) RoC, do not want to return to pariah status and hope a better deal now on status would ensure their future recognition. Both communities have dug in hard with their public positions, presenting a stiff challenge to the working groups tackling governance and other core issues.
End Summary.

Why Pick the Low-hanging Fruit?

12. (C) March 21 saw Cypriot community leaders Mehmet Ali Talat and Demetris Christofias agree on a process to activate the technical committees and working groups earlier envisioned in the July 8 (2006) Agreement. After a not-unexpected delays due to negotiations on agendas (successful) and terms of reference (unsuccessful), the groups and committees began meeting a month later amidst a feeling of cautious optimism. The UN and international community welcomed the development and offered full support to the process, which all hope will lead to full-fledged reunification negotiations.

13. (C) While Embassy contacts maintain that the climate

within the committees and groups remains positive, outside the meeting halls, the sides have returned to the blame game.

Arguments over "core" CyProb issues dominate the discourse, with the sides blasting each other's "extreme" positions on a continuing role for guarantor powers, the presence of Turkish troops and "settlers" in the north, and the right of return for refugees. No core item has generated greater friction than the argument over the successor state's status and sovereign roots, however, and the continued bickering over an issue best left for last threatens the improved climate and prospects for short-term progress.

Poles Apart: The Sides' Historical Positions

¶4. (SBU) Former RoC Foreign Minister Erato Marcoullis neatly encapsulated the long-held Greek Cypriot position at a March 18 "Way Forward on Cyprus" roundtable discussion. "The federal Republic of Cyprus," she asserted, "should be an evolution from the unitary state established under the 1960 Agreements, the (original) Republic of Cyprus." Further, Marcoullis claimed there was no precedent in the post-UN era for a sovereign member-state of the United Nations to vanish and be replaced by a new state through a so-called virgin birth. The resulting entity should have a strong federal government, a single international personality, political equality based on relevant UN resolutions, loose bi-zonality, and ensure basic human rights for all residents (in other words, full refugee return would be guaranteed.) Such a state would be "just, viable, and enduring," Marcoullis concluded.

¶5. (SBU) Turkish Cypriots reject the notion that the unified

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Cypriot state be a continuation of the Republic of Cyprus. In their minds, the RoC -- a partnership state founded with political equality for both communities -- ceased to exist once T/Cs were expelled from the government in 1964. Any new settlement must reflect the realities on the ground: the island is home to two peoples, two democracies, and, at the very least, two constituent states as described in the Annan Plan. The new entity must not simply be a reformed RoC, but a new partnership.

Bridging the Gap: How the Annan Drafters Did It

¶6. (SBU) The sides' wildly differing positions on sovereignty/status long have given international mediators fits. During the last major push for a Cyprus solution (the 2002-04 Annan Plan talks), the UN team led by UN Special Adviser for Cyprus Alvaro De Soto crafted a constructively ambiguous compromise to address competing views of where sovereignty for the new post-solution state would emanate, which they coined the "virgin birth." The Foundation Agreement of the 2004 Annan Plan called for "a new state of affairs" in the form of the United Cyprus Republic (UCR) comprising Turkish- and Greek Cypriot constituent states. The new entity would have come into being immediately upon approval by the Turkish- and Greek Cypriot communities in separate, simultaneous referenda.

¶7. (U) David Hannay, Britain's Special Representative for Cyprus (1996-2003), called the UCR a "politically new, but not legally new" Cyprus. Consequently, it would have had a new constitution, flag, and national anthem but would not have had to re-apply for admission to the UN or other international bodies. Likewise, the "Turkish Republic of Northern Cyprus (TRNC)" would not have been recognized internationally before entering into the new federation. The 1960 Treaties of Guarantee, Establishment, and Alliance would also have remained in force. De Soto reportedly joked to longtime Turkish Cypriot leader Rauf Denktash that the virgin birth would have allowed the leaders of both communities to tell their people that the RoC and "TRNC" remained in existence.

Issue Remains the Reddest of Red Lines for Turkish Cypriots

18. (C) Almost unanimously, Turkish Cypriot leaders, both publicly and in private conversations with Embassy staff, reject the metamorphosis/continuation of a new and improved RoC, and demand, at the least, an Annan-style virgin birth. Talat's private secretary, Asim Akansoy, told us that they were emphatic on the subject on the new state's origin. Similarly, "governing" Republican Turkish Party (CTP) central committee member Sami Ozuslu said that a "virgin birth" or similar compromise was a requirement, since the T/Cs considered the continuation of the RoC tantamount to accepting G/C hegemony, which the populace would never accept. A lack of progress in the preparatory phase of talks could spawn a "crisis," Ozuslu thought. Basaran Duzgun, an independent-minded T/C columnist, dubbed the imperative of a virgin birth Talat's most important red line.

19. (C) Underpinning the Turkish Cypriots' demand is their fear of an early death of the as-yet unborn post-solution state. They still smart over what they believe was the unfair 1964 decision by the UN (UNSCR 186) to continue to recognize the Greek Cypriot-controlled RoC after the ejection/departure of Turkish Cypriots from the government. Akansoy told us that the main reason for the virgin birth "is to not relive the events of 1964." According to the Turkish daily Hurriyet, Talat stated that G/Cs must not be allowed simply to return to their old state should the new partnership fail, leaving T/Cs out in the cold. Turkish Cypriots of almost all political stripes do not want to become, as they see it, a "graft" on the much-larger G/C community, much like Cyprus's Armenians, Maronites, and Latins (Roman Catholics).

The More Virgin the Birth, the Better

110. (C) While publicly sticking to the "virgin birth" terminology, Talat and certain CTP insiders seemingly have redefined it away from the compromise its crafters originally intended. Talat's special envoy, Kutlay Erk, told us and DAS Bryza in March (Ref A) that the RoC should recognize the "TRNC," if only for a brief period, before the creation of a post-solution state (Note: Before Erk's March utterance we had only heard such comments from the nationalist National Unity Party (UBP). The Turkish "Embassy," claimed not to

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know anything of a temporary "TRNC" recognition initiative, however. End Note.) Akansoy also confirmed a March article in "Hurriyet" that Talat even wants the new, post-solution state to reapply for admission to the UN.

111. (C) The T/Cs, however, may simply be staking out bargaining positions and may not have formed a common position. Akansoy later told us that the virgin birth specified in the Annan Plan was not a bad option. Furthermore, he corrected media reports that had Talat called for "twenty-four hour" recognition of the "TRNC," clarifying that the T/C leader was referring to a Turkish position during Annan negotiations that had not been accepted.

Greek Cypriots Troubled by Renewed Demands for Virgin Birth

112. (SBU) Greek Cypriot media and political leaders have given great play, mostly negative, to Talat and Turkey's recent demands for virgin birth or a similar arrangement. They have denounced the concept and seem to have conflated it, especially in nationalist outlets like leading daily "Phileleftheros," with the demand by hard-line T/Cs for a two-state, confederate Cyprus solution. President Christofias complained during May Day celebrations that Talat and Turkey were supporting a solution that would "lead the virgin birth theory and the political equality of two separate states," or to many G/C ears, confederation.

113. (C) Present Greek Cypriot opposition to a virgin birth

seems motivated by deep distrust of Ankara's strategic intentions. They fear Talat's and Turkey's pronouncements on the issue are the precursors to Turkish attempts to revisit UNSCR 186, the RoC's EU member-state status, and even its UN membership. Such distrust easily leads to distortion of the original concept in the G/C press into a confederation of two states and/or the recognition of the "illegal TRNC." Former President Papadopoulos's memorable April 2004 comment that he had "inherited a state" and did not "want to return two communities" still appears to encapsulate the prevailing opinion in the G/C community. Greek Cypriots fear that the "virgin birth" issue will be manipulated by Turkey not as a way to say "yes" to reunification, but rather as a tool to destroy the RoC's current international standing and/or effect partition.

Comment:

¶14. (C) The virgin birth was considered at the time of its genesis -- not insignificantly, prior to the RoC's accession to the EU -- as an ingenious device bridging the yawning gap between Greek- and Turkish Cypriot positions on sovereignty. It counted on prominent supporters in both communities, including then-"PM" Talat and former RoC President Glafcos Clerides. We therefore hope that the present politicking by both sides, whether T/C calls for temporary recognition of the "TRNC" or G/C distortion of the virgin birth compromise as a hidden call for confederation, merely represents their attempt to stake out initial bargaining positions and doesn't rule out compromise on this inherently difficult issue. That said, unless all sides are somehow able to significantly deepen the level of trust they have in each other's intentions, it is highly unlikely that the T/Cs will buy off on anything less than the "virgin birth / new state of affairs" model contained in the Annan Plan, and equally unlikely that the G/Cs will acquiesce in what nationalist elements consider to be something between surrender of the RoC's political advantages and the destruction of their state.

¶15. (C) Conflict over core issues like sovereignty potentially could torpedo the nascent CyProb negotiations. Seeing the danger, UN leadership and the communities' representatives have incorporated less controversial elements into all the working group and technical committee agendas, hoping to ensure that measurable progress might occur. UNFICYP Spokesman Jose Diaz told us that their facilitators/notetakers were paying particular attention to documenting breakthroughs on the "low-hanging fruit." UNFICYP even was prepared to break its own prohibition on releasing meeting details to media, and would publicize the sides' progress should hard-liners on either side begin to claim that prospects for movement were hopeless. The UN's tack seems smart to us and worthy of support.

SCHLICHER